

REMARKS

Claims 1-7, 11-15, 21, 23-26, and 28-31 were previously elected for continued prosecution, and claims 8-10, 16-20, 22, 27, and 32 were previously withdrawn as being directed to the non-elected species. It appears that the Examiner has rejoined claim 22.

No claims have been added, canceled, or amended by this Response.

Unpatentability Rejection over Hembree in View of Mok

Withdrawal of the rejection of claims 1-7, 11-15, 21-26, and 28-31 under 35 U.S.C. §103(a) as being unpatentable over Hembree (US 6,504,389 in view of Mok (US 6,791,171) is requested. Mok is not prior art to Applicants' application.

The Examiner now offers Mok in combination with Hembree in an unpatentability rejection. However, Mok is not properly combinable with Hembree because Mok is not prior art under any section of the Patent Laws.

Mok is a national stage entry of a PCT application published as WO01/98793 on December 27, 2001. Mok's PCT application US01/19792 filed on June 20, 2001 claimed priority to U.S. Provisional applications 60/213,729 filed on June 22, 2000, and 60/212,923 filed on June 20, 2000. The earliest possible prior art date of Mok is therefore June 20, 2000.

The present application was filed on June 6, 2000, 14 days *before* the earliest possible prior art date of Mok. Accordingly, Mok is not prior art to the present application, and is therefore not properly combinable with Hembree in any rejection.

Withdrawal of the rejection and allowance of claims 1-7, 11-15, 21-26, and 28-31 is therefore requested.

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Conclusion

In view of the above remarks, Applicants believe that each of pending claims 1-7, 11-15, 21-26, and 28-31 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number indicated below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 09-0456, under Order No. 21806-00083-US from which the undersigned is authorized to draw.

Respectfully submitted,

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